THE HON'BLE SRI JUSTICE S.ANANDA REDDY

Writ Petition No.16915 of 2007

20.09.2007

Between

Sri Syed Abdul Jabbar Pasha

…Petitioner

And

The A.P.Wakf Board through the Chief Executive Officer, A.P.Wakf Board, Having office at Razzak Manzil, Nampally Raod, Hyderabad and another.

…Respondents

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

Writ Petition No.16915 of 2007

ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the first respondent in not registering the properties shown in para-5 of the affidavit filed in support of the writ petition as wakf properties.

It is contended by the learned counsel for the petitioner that though a notice was served on the first respondent, the first respondent did not take any steps to get the properties declared as wakf properties in accordance with the provisions of the Wakf Act, 1995 (for short 'the Act'). Therefore, the present writ petition is filed.

A counter is filed on behalf of the second respondent where the second respondent disputed the

claim of the petitioner stating that except Item Nos.1 and 5 shown in para-5 of the affidavit, the rest of the items are not wakf properties. It is also stated that it is a matter for enquiry by the first respondent in accordance with the provisions of the Act and this Court cannot declare any property as wakf property in a writ petition.

Heard both sides and considered the material on record.

In the light of the stand taken by the respective parties, the writ petition is disposed of, at the admission stage, directing the petitioner to make appropriate representation enclosing evidence in proof of his claim that the specified items are the wakf properties before the first respondent, and as and when such a representation is made, the first respondent is directed to conduct necessary enquiry in accordance with law, if necessary after issuing notices to the persons in possession of the properties specified by the petitioner and thereafter pass appropriate orders disposing of the representation of the petitioner. No costs.

_____

20.09.2007

VGB